

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ERNA GOLDSCHMIDT KATZKI

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-3036

Decision No. G-1743

PROPOSED DECISION

Counsel for Claimant:

Nathan Richman, Esquire

This claim in the amount of \$500,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509) is based upon the loss of a large double apartment building located at Strausberggarstrasse 20 in East Berlin.

The record indicates that claimant became a United States citizen on November 2, 1951.

Under section 602, Title VI of the Act the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interest therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

Claimant inherited a fifty-percent interest in the property from her mother, Dora Goldschmidt, at her death in 1942.

The record in this claim indicates that legal title to the subject property was originally lost during the Nazi regime as a result of racial and religious persecution. The Commission has held in the Claim of MARTHA TACHAU, Claim No. G-0177, Decision No. G-1071, that such persecutory losses will not be considered by the Commission to have cut off all rights of the original owners of their heirs, and that the persecuted owners retained a beneficial interest in the property.

The Commission has also held in the Claim of MARK PRICEMAN, Claim No. G-2116, Decision No. G-1073, that decrees of September 6, 1951 effective in the German Democratic Republic, and December 18, 1951, effective in Berlin, which provided for taking over the administration of foreign owned property, and the decree of July 17, 1952, confiscating or taking under governmental program which terminated all rights or restitution of former persecutees of their heirs. The Commission found such a termination of rights to be a taking of the property interest of such person; and, where the property interests were owned by United States nationals at the time of loss, the termination of rights would form the basis of a compensable claim. Therefore, the Commission finds that claimant was deprived of her interest in the subject property on December 18, 1951.

Based upon all the evidence of record including evidence of comparable real property values in East Berlin, and taking into consideration the general increase in real property values in Eastern Europe after World War II, the Commission finds that the subject property had a value of \$24,000.00 on the date of loss, and that claimant is entitled to \$12,000.00 for her fifty-percent interest as compensation under section 602 of the Act.

The Commission has concluded that in granting awards on claims under section 602 of Title VI of the Act, for the nationalization or other taking of property or interest therein, interest shall be allowed at the rate of 6% per annum from the date of loss to the date of settlement. (Claim of GEORGE L. ROSENBLATT, Claim No. G-0030, Decision No. G-0100 (1978)).

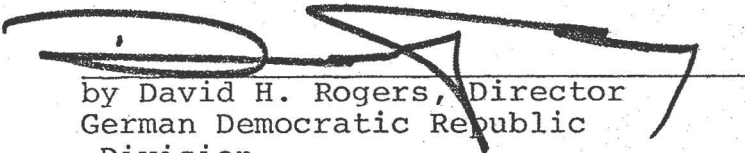
A W A R D

Claimant, ERNA GOLDSCHMIDT KATZKI is therefore entitled to an award in the amount of Twelve Thousand Dollars (\$12,000.00) plus interest at the rate of 6% simple interest per annum from December 18, 1951 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

For Presentation to the Commission

JAN 16 1980


by David H. Rogers, Director
German Democratic Republic
Division

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on SEP 10 1980


Executive Director

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, a Final Decision based upon the Proposed Decision will be issued upon approval by the Commission any time after the expiration of the 30 day period following such service or receipt of notice. (FCSC Reg., 45 C.F.R. 531. (e) and (g), as amended.)